



**U.S. Army Corps
of Engineers**
Baltimore District

Public Notice

In Reply Refer To CENAB-OP-R Date June 28, 2006
Repairs Following Heavy Rains, June 2006
Special Public Notice # 06-39

The purpose of this notice is to inform the public that repairs of damage to public and private property caused by recent heavy rains, and associated flood conditions occurring from June, 21 2006 to June 28, 2006, may be authorized, subject to the procedures described below in Maryland, the District of Columbia, and in Pennsylvania.

This public notice clarifies that the repair, rehabilitation, or replacement of those structures damaged or destroyed by the heavy rains and associated flooding occurring from June 21, 2006 to June 28, 2006, is authorized provided repair, rehabilitation, or replacement is completed by June 28, 2008. If activities cannot be completed by June 28, 2008, a written extension must be secured from the appropriate Corps District. Property owners are encouraged to keep photographic records of preconstruction conditions prior to repair, rehabilitation, or replacement of structures. In the event of compliance inspection by regulatory agencies, such records may prove valuable in determining compliance with the terms and conditions of authorized activities.

Authorized Activities:

The repair, rehabilitation, or replacement of any previously authorized, currently serviceable, structure, or fill, or of any currently serviceable structure or fill is authorized for purposes of Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act as published in the January 15, 2002 Federal Register, Final Notice of Issuance, Reissuance, and Modification of Nationwide Permits (NWP) (67 FR Vol 10), NWP number (3), provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification and the conditions are complied with. NWP #3 General and Regional Conditions may be viewed on our web site at <http://www.nab.usace.army.mil/Regulatory/permits.htm> . Minor deviations in the structure's configuration or filled area including those due to changes in materials, construction techniques, or current construction codes or safety standards which are necessary to make repair, rehabilitation, or replacement are permitted, provided the adverse environmental effects resulting from such repair, rehabilitation, or replacement are minimal. Currently serviceable means that prior to damage that occurred in June 2006 as a result of the heavy precipitation, the structure or fill was useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

NWP #3 does not authorize channelization or the restoration or re-establishment of a stream channel.

Additionally, a pre-discharge notification (PCN) shall be submitted to the appropriate Corps District for any proposed activity, which would result in impacts, temporary or permanent, to jurisdictional wetlands and the following counties of Pennsylvania: Adams, Berks, Bucks, Chester, Cumberland, Delaware, Franklin, Lancaster, Lebanon, Monroe, Montgomery, Northampton, Schuylkill (Swatara Creek Watershed only), and York. The Corps must review and approve the PCN before the work can begin. Please contact the appropriate Corps District for further information (see below).

Emergency Actions:

For emergency actions not covered in the paragraph above, Division Engineers are authorized to approve special procedures in emergency situations. An "emergency" is a situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen and significant economic hardship, if corrective action requiring a permit is not undertaken within a time period less than normal time needed to process the application under standard procedures. Even in an emergency situation, reasonable efforts will be made to receive comments from interested Federal, State, and local agencies and the affected public [33 CFR 325.2(e)(4)]. Such actions require notification to the appropriate U.S. Army Corps of Engineers permits section for authorization to proceed. Notification will require identification of the project proponent, a point of contact, work description, photographs of the site, and the location of the work to be performed.

Work that qualifies as "non-reporting" for Category I under the Maryland State Programmatic General Permit or the Pennsylvania State Programmatic General Permit does not require further Federal authorization or notification.

The removal of floatable debris material does not require Department of the Army authorization. Any inquiries regarding these authorizations are to be directed to the applicable Permit Section at the U.S. Army Corps of Engineers, District, as indicated below.

Maryland:

Baltimore District Maryland Section Northern (410) 962-4252 (Allegany, Anne Arundel, Baltimore, Carroll, Cecil, Howard, Frederick, Garrett, Harford, Washington Counties and Baltimore City)

Baltimore District Maryland Section Southern (410) 962-4500 (Calvert, Caroline, Charles, Dorchester, Kent, Montgomery, Prince George's, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester Counties, District of Columbia, and Military Bases in Northern Virginia)

Pennsylvania:

Baltimore District Pennsylvania Section, (814) 235-0570 (Susquehanna and Potomac River Watersheds)

Philadelphia District Regulator of the Day, (215) 656-6728 (Delaware River Watershed)

Pittsburgh District Branch Chief, (412) 395-7155 (Ohio and Genesee River Watersheds, and Lake Erie Watershed)

For and in behalf of the Pittsburgh, Philadelphia, and Baltimore Districts:

A handwritten signature in black ink, appearing to read "J.M. Vine".

FOR Janet M. Vine
Chief, Regulatory Branch
Baltimore District